

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiff

v.

Ricardo Alejandro-Heredia
Emmanuel Melendez-Rivera

Defendant(s)

CRIMINAL NO. 05-0329 (JAG)

ORDER

On January 24th, 2006, an intense voir dire process began in the case of United States v. Carlos Ayala-Lopez (1), 03-055 (JAG), which was certified by the United States Department of Justice as eligible for the death penalty. On April 18th, 2006, a jury was empaneled and sworn in. On July 13th, 2006, after thirteen weeks of trial, the jury returned a guilty verdict against defendant Ayala-Lopez. The Court could not set other civil or criminal cases for trial during this period.

Proceedings in the penalty phase against Ayala-Lopez will begin on September 18, 2006 and will extend for almost a month. During this critical period, the jury will be presented with evidence to inform their decision on whether to impose the death penalty upon Ayala-Lopez. Inasmuch as the foregoing will require the Court's fullest attention, it is hereby ordered that proceedings in the present case be continued pursuant to 18 U.S.C. § 3161(h)(8), until

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the penalty phase in United States v. Carlos Ayala-Lopez (1), 03-55 (JAG) is completed.

Also, the undersigned underwent surgery at the beginning of August of 2006 and will be recovering until the beginning of September 2006.

After carefully weighing its options, the Court finds that a continuance serves the interests of justice, as it allows the Court to provide prioritized attention to the death penalty proceeding currently under way, without compromising the attention due to the case at bar. That is, the defendants in both the death penalty case and in this case will benefit most by having the Court's complete attention. Furthermore, the extension of the continuance is reasonable and not likely to cause undue prejudice.

Since the continuance is ordered pursuant to 18 U.S.C. § 3161(h)(8), the Speedy Trial Act is tolled until September 25, 2006.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 30th day of August, 2006.

S/Jay A. Garcia-Gregory
JAY A. GARCIA-GREGORY
United States District Judge